

THE HON'BLE SRI JUSTICE A.GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

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WRIT PETITION No.22390 of 2007

Dated: 23.10.2007
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Between:

Gongati Savitramma, W/o.Late Peddi Reddy

... PETITIONER

AND

State of A.P., rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and three others.

...RESPONDENT!

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ORDER: *(Per the Hon'ble Sri Justice A.Gopal Reddy)*

The petitioner, who is the mother of the alleged detenue, filed this writ petition for issuance of writ of Habeas Corpus directing respondents 1 to 4 to produce her daughter namely G.Sumithra, who was given in marriage to the fourth respondent, in the Court and for a consequential direction to deliver her custody to the petitioner after taking necessary action against the fourth respondent.

The petitioner alleges that she lodged a complaint with the Superintendent of Police, Kurnool, the Deputy Superintendent of Police, Allagadda, and the Inspector of Police, Vuyyalavada Police Station informing that when she enquired with the fourth respondent, he informed her that on 21.08.2005 her daughter boarded a bus at Gillella and since then her whereabouts are not known. The main grievance of the petitioner is that in spite of lodging the complaint on 26.02.2007, the police have not registered any crime and they have not taken any action in this regard.

Though the petitioner will have an alternative remedy under Section 190 Cr.P.C to lodge a complaint before the concerned jurisdictional Magistrate, who, if satisfies, can refer the matter under Section 156 (3) Cr.P.C to the concerned police for registering the crime and investigate the same, she has not availed the said remedy and filed the present writ petition.

Since the petitioner's daughter is a major, when her whereabouts are not known and when her mother sought to lodge a complaint, the

police are bound to register the case under 'woman missing' or under any appropriate offence as per the complaint allegations and investigate the same. In view of the same, the Superintendent of Police, Kurnool is directed to instruct the concerned police for registering the crime and investigate into the same. They shall also report the compliance to the jurisdictional Magistrate.

The writ petition is accordingly dismissed.

A.GOPAL REDDY, J

P.SWAROOP REDDY, J

Date: 23.10.2007

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